



Attorneys At Law

Trust. Knowledge. Confidence.

Martin Garbus, Esq.  
590 Madison Ave., 6th Floor  
New York, NY 10022  
(347) 589-8513  
[mgarbus@offitkurman.com](mailto:mgarbus@offitkurman.com)

**VIA ECF**

Honorable Loretta Preska  
United States District Judge  
Daniel Patrick Moynihan U.S. Courthouse  
500 Pearl Street  
New York, New York 10007

RE: *Chevron v. Donziger*, Case No. 19 Cr. 561 (LAP)

Dear Judge Preska:

The discovery we seek is limited to the issues that are the subject of the motion. We wish discovery, books, records, and deposition of individuals in the interests of justice concerning:

1. All of the facts relating to the invocation of Fed. R. Crim. P. 42 both in this district and in the United States from the appropriate Court Administrator in the Southern District.
2. Any and all records and individuals from the United States Attorney's Office and private parties including Gibson Dunn and Chevron concerning the 2010 meetings referred to in the WSJ article of May 3, 2021, and any other such meetings concerning the prosecution of Mr. Donziger.
3. Geoffrey Berman.
4. The managing partners at Gibson Dunn and Seward & Kissel for any and all records related to the involvement of Seward & Kissel, the firm's fee structure in this case, and how it was arrived at.
5. All records and individuals relating to the marketing by Gibson Dunn and Seward & Kissel that relates in any way to this prosecution, including members of the firms and any other firms, including public relations firms.

Judge Kaplan has asserted the authority to avoid random selection of a presiding judge when he initiated this proceeding and instead make a personal selection. Apart from the merits of that claim, which has been disputed, it is clear that Judge Kaplan cannot make an unconstitutional selection. There are constitutional limitation on his freedom to appoint. We wish to know all facts relating to that appointment. It is not enough to say that Judge Preska sat across the hall. We believe the facts behind his selection are obvious.

Hon. Loretta A. Preska  
May 5, 2021  
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Respectfully,

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/s

Martin Garbus, Esq.

OFFIT | KURMAN

590 Madison Ave., 6th Floor

New York, NY 10022

Tel. 347.589.8513

mgarbus@offitkurman.com

*Counsel for defendant*